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Euler Hermes American Credit Indemnity Company Now Known As
Euler Hermes North America Insurance Company*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MARBLE BRIDGE FUNDING GROUP,
INC.,

Plaintiff,

vs.

NATURE'S OWN PHARMACY, LLC, et
al.,

Defendants.

Case No.: 5:12-CV-02729-EJD

**DEFENDANT/COUNTERCLAIM
PLAINTIFF EULER HERMES
AMERICAN CREDIT INDEMNITY
COMPANY'S DEPOSITION AND
DISCOVERY DESIGNATIONS WITH
REQUEST FOR ADMISSION AS TO
GENUINENESS OF DOCUMENTS**

MARBLE BRIDGE FUNDING GROUP,
INC.,

Plaintiff,

vs.

EULER HERMES AMERICAN CREDIT
INDEMNITY COMPANY,

Defendant.

EULER HERMES AMERICAN CREDIT

INDEMNITY COMPANY,
Counterclaim Plaintiff,
vs.
NATURE'S OWN PHARMACY, LLC,
RICHARD WALLACE; RICHARD
WALLACE, et al.,
Counterclaim Defendants.

Pursuant to section D (7) of the Standing Order for Civil Cases of District Judge Edward J. Davila and Fed. R. Civ. P. 16 (e), 32 (a), 33(c) and 36(b) and defendant and counterclaim plaintiff Euler Hermes American Credit Indemnity Company (now known as Euler Hermes North America Insurance Company) ("Euler"), by its attorneys, submits the following designations of deposition testimony and other discovery to be offered at trial, other than solely for impeachment or rebuttal, requests admission of the genuineness of documents described below.

Depositions:

1. Marble Bridge Funding Group, Inc. by Andrew Krone:

13:18-15:12

16:7-17:10

25:3-31:17

34:11-47:11

56:6-67:17

70:4-83:11

84:14-111:18

115:23-117:18

121:11-128:14

140:4-20

2. Marble Bridge Funding Group, Inc. by Paul Candau:

8:10-20

69:2-70:16

71:22-91:18

94:12-95:2

102:10-104:8

104:22-106:19

113:4-118:6

118:22-121:22

122:11-132:21

137:10-145:24

154:19-23

155:20-156:13

180:16-184:15

192:13-193:11

194:4-207:10

213:20-23

217:8-220:11

221:3-14

223:8-224:9

224:18-225:15

235:24-237:15

239:19-242:18

3. Marble Bridge Funding Group, Inc. by Tammy Mooney:

1 15:11-16:23
2 23:20-34:10
3 35:8-36:10
4 36:25-38:13
5 41:10-44:17
6 44:20-52:23
7 61:17-63:17
8 64:19-67:24
9 79:17-87:11
10 88:9-96:17
11 98:9-112:20
12 114:10-127:19
13 128:4-129:17

16 4. Nature's Own Pharmacy LLC and Nature's Own, Inc. by Marsha Kay Holloway a/k/a
17 Anette Zimmerman (and individually):

18 13:10:-14:3
19 16:9-18:6
20 27:5-29:17
21 35:18-36:5
22 38:4-40:20
23 54:25-56:9
24 58:1-66:8
25 66:23-68:9
26 82:18-83:1
27
28

1	101:2-107:23
2	113:10-15
3	116:18-119:1
4	135-13:136:2
5	137:14-137-20
6	143:9-144-11
7	146:17-25
8	156:25-158:2
9	158:12-19
10	164:3-13
11	178:16-179:2
12	188:21-190:9
13	191:7-192:2
14	192:11-193:2
15	
16	
17	5. Gerri Lynn Denson Wynn
18	19:2-22:19
19	24:5-32:13
20	126:6-134:16
21	157:23-159:2
22	165:24-169:1
23	231:13-232:22
24	243:1-245:10
25	251:25-255:12
26	278:19-280:1
27	
28	

1 6. Virginia Tubbs

2 21:25-22:22:20

3 25:7-16

4 27:14-28:22

5 40:14-51:9

6 51:21-58:5

7 63:14-65:5

8 67:3-70:15

9 71:12-73:13

10 84:6-20

11 85:22-91:7

12 155:7-156:17

13
14
15 7. Paul Haigley III

16 13:8-15:19

17 81:3-83:4

18 8. Marble Bridge Funding Group, Inc. by Carey D. Fiertz

19 6:4-10:17

20 32:7-37:21

21 40:3-46:12

22 46:20-49:16

23 52:15-95:22

24 96:3-130:11

25 133:12-136:11

26
27 9. Marble Bridge Funding Group, Inc. by William Sarsfield

1 10:17-32:19
2 44:18-103:10
3 113:24-174:10
4 174:19-180:23
5 181:10-204:21
6 215:9-216:22
7

8 10. Marble Bridge Funding Group, Inc. by John Francis Fitzgerald, Jr.

9 18:3-22:15
10 25:21-38:22
11 47:6-78:20
12 79:2-93:4
13 99:18-133:21
14 134:19-148:21
15 149:1-159:22
16

17 Other Discovery:

- 18 11. Marble Bridge Claim File (MBFG 0001-0226)
19 12. Marble Bridge invoice purchase history with Nature's Own (MBFG 0227-0231)
20 13. Email dated 3/7/12 from Candau to various people re intent to file claim and Euler's
21 proposed policy rescission (MBFG 00642)
22 14. CSC Inc. (investigator) emails with MBFG (MBFG 0691-708) and attachments
23 15. Request to add MBFG as loss payment beneficiary to Euler policy (MBFG 1246)
24 16. Credit Committee Memo at MBFG re NOP (MBFG 1807-1808)
25 17. Email exchange re coverage on NOP policy as of 7/7/11 (MBFG 1875-1878)
26 18. Email from Krone to Wallace re: funding parameters and MBFG performing its own due
27
28

- diligence (MBFG 1953-1954)
19. Email exchange between Fitzgerald and Krone re possible policy Euler for MBFG as a factor (9/15/11) (MBFG 2110-2119)
20. Email from Rosie Mandalenis of Marble Bridge re initial contact by Rick Wallace on referral from John Fitzgerald (MBFG 2123; 2274)
21. Printouts from EOLIS in MBFG files (MBFG 2303-2310)
22. Automatic emails from Euler to Tammy Mooney re changes in credit limits (with attachments) (MBFG 2311-2320)
23. EOLIS list of credit limits as of 3/2/2012 from MBFG's files (MBFG 2321)
24. Additional Printouts from EOLIS in MBFG files (MBFG 2447-2455)
25. CLRs cancelling coverage from MBFG's files (MBFG 2461-2475)
26. Notice of Disclaimer (MBFG 2495-2500)
27. Email from A. Krone to R. Wallace (MBFG 2577-2578)
28. MBFG documents from due diligence on NOP and Wallace (MBFG 2583-2801; MBFG 2533-2545)
29. MBFG Collection Report history for invoices purchased from NOP (MBFG 2923-2930)
30. Offer of rescission of policy to NOP (MBFG 2322)
31. Report on Richard Wallace from MBFG's files (MBFG 4669-4690)
32. Report from C. Wall (MBFG 02546-02550)
33. Invoices from Creative Security to MBFG (MBFG 02570-02571)
34. Marble Bridge's SUPPLEMENTAL RESPONSE TO REQUESTS FOR ADMISSION dated and sworn to July 7, 2014 (Exhibit J to Saulitis Dec. in support of Euler's motion for SJ)
35. Marble Bridge's SUPPLEMENTAL RESPONSE TO DEFENDANT AND

COUNTERCLAIMANT EULER HERMES AMERICAN CREDIT INDEMNITY
COMPANY'S INTERROGATORIES PURSUANT TO FED. R. CIV. P. 26(e) dated and
sworn to July 7, 2014 (Exhibit K to Saulitis Dec. in support of Euler's motion for SJ)
36. G. Wynn deposition transcript of 2/11/13 in State of Florida v. Gregory Scott Winters
(Denson Wynn Deposition Exhibit 3)
37. Exhibit Binder from Krone deposition (Krone deposition exhibit 1)
38. Tammy Mooney notes from conversations and meetings (Mooney deposition exhibit 4)
39. Notification of Claims and supporting documentation submitted by MBFG to Euler
(Exhibit L to Saulitis Dec. in support of Euler's motion for SJ)
Pursuant to Fed. R. Civ. P. 36 Euler request admission of the genuineness of the
documents described above.

1 Dated: September 1, 2015

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22 *Insurance Company*